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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,139	11/03/1999	JOHN G. SAVAGE	8184.00	2123

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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/433,139

Applicant(s)

SAVAGE ET AL.

Examiner

Kevin Parton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/02/2003 have been fully considered but they are not persuasive. Please see the following reasons and the associated grounds of rejection below.
2. The applicant "requests that the Examiner specifically point out where the particular references discloses or suggests the step of "reading personal information from the portable device retained by the customer" (page 4, paragraph 4). The argument is not persuasive because the definition of "personal information" is not included in the claim. Inasmuch as financial information can be considered personal information, the reference to Suer et al. (USPN 6,431,439) teaches the reading of personal information (column 6, lines 44-47). Additionally, this type of system must identify a user by their personal identification information that is read from the portable device as well. All of this can be considered reading of personal information.
3. The applicant further requests the examiner to point out where the references specifically point out "analyzing personal information read of the portable device" (page 4, paragraph 4). Please note that the term "analyzing" is not defined in the claim. The reference of Suer et al. (USPN 6,431,439) teaches the reading of data and then using this data to positively identify a user and make financial transactions (column 6, lines 49-55). This is analysis of personal information.
4. The applicant's further arguments are all based on the newly amended claims. Please see the new grounds of rejection below addressing the newly added limitations.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suer et al. (USPN 6,431,439) in view of Kanevsky et al. (USPN 6,334,109).

7. Regarding claim 31, Suer et al. (USPN 6,431,439) teach a system for operating a self-service terminal with means for:

- a. Establishing wireless communication with a portable device retained by the customer at the self service terminal (column 12, lines 35-40; figure 2c).
- b. Preparing data relating to a transaction that has been executed at the self- service terminal (column 12, lines 41-43).
- c. Transferring the prepared data to the portable device via the wireless communication to provide the customer with an electronic receipt for storage in the portable device (column 12, lines 44-48).
- d. Reading personal information from the portable device retained by the customer (column 6, lines 44-47).
- e. Analyzing personal information read from the portable device (column 6, lines 49-55).

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Although the system disclosed by Suer et al. (USPN 6,431,439) shows substantial features of the claimed invention, it fails to disclose means for supplying specific information tailored to the customer based upon the analyzed personal information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Suer et al. (USPN 6,431,439), as evidenced by Kanevsky et al. (USPN 6,334,109).

In an analogous art, Kanevsky et al. (USPN 6,334,109) discloses a system for providing information to customers with means for supplying specific information tailored to the customer based upon the analyzed personal information (column 5, lines 40-47).

Given the teaching of Kanevsky et al. (USPN 6,334,109), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Suer et al. (USPN 6,431,439) by providing personalized information to a user based on personal information. This benefits the system by allowing users to receive information that is of use to them and by allowing advertisers to more specifically target consumers.

8. Regarding claim 32, although the system disclosed by Suer et al. (USPN 6,431,439) (as applied to claim 31) shows substantial features of the claimed invention, it fails to disclose means for storing the analyzed personal information in a database entry for the customer.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Suer et al. (USPN 6,431,439), as evidenced by Kanevsky et al. (USPN 6,334,109).

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In an analogous art, Kanevsky et al. (USPN 6,334,109) discloses a system for providing information to customers with means for storing the analyzed personal information in a database entry for the customer (column 1, lines 63-66; column 5, lines 20-23).

Given the teaching of Kanevsky et al. (USPN 6,334,109), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Suer et al. (USPN 6,431,439) by employing a database to store customer information. This benefits the system by allowing the analysis of customer trends and better-targeted advertising.

9. Regarding claim 33, Suer et al. (USPN 6,431,439) teach a system for operating a self-service terminal with means for:

- a. Establishing wireless communication with a portable device retained by the customer at the self service terminal (column 12, lines 35-40; figure 2c).
- b. Preparing data relating to a transaction that has been executed at the self- service terminal (column 12, lines 41-43).
- c. Transferring the prepared data to the portable device via the wireless communication to provide the customer with an electronic receipt for storage in the portable device (column 12, lines 44-48).
- d. Reading schedule information from a calendar program executing on the portable device (column 6, lines 44-47; column 9, lines 48-52).
- e. Analyzing schedule information read from the portable device (column 6, lines 49-55; column 9, lines 48-52).

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Although the system disclosed by Suer et al. (USPN 6,431,439) shows substantial features of the claimed invention, it fails to disclose means for supplying specific information tailored to the customer based upon the analyzed information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Suer et al. (USPN 6,431,439), as evidenced by Kanevsky et al. (USPN 6,334,109).

In an analogous art, Kanevsky et al. (USPN 6,334,109) discloses a system for providing information to customers with means for supplying specific information tailored to the customer based upon the analyzed information (column 5, lines 40-47).

Given the teaching of Kanevsky et al. (USPN 6,334,109), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Suer et al. (USPN 6,431,439) by providing personalized information to a user based on personal information. This benefits the system by allowing users to receive information that is of use to them and by allowing advertisers to more specifically target consumers.

10. Regarding claim 34, Suer et al. (USPN 6,431,439) teach all the limitations as applied to claim 33. They further teach means wherein the specific information relates to events or activities occurring in a location associated with the schedule information (column 9, lines 48-52).

11. Regarding claim 35, Suer et al. (USPN 6,431,439) teach a system for operating a self-service terminal with means for:

- a. Establishing wireless communication with a portable device retained by the customer at the self service terminal (column 12, lines 35-40; figure 2c).
- b. Preparing data relating to a transaction that has been executed at the self- service terminal (column 12, lines 41-43).
- c. Transferring the prepared data to the portable device via the wireless communication to provide the customer with an electronic receipt for storage in the portable device (column 12, lines 44-48).
- d. Reading information from the portable device (column 6, lines 44-47).
- e. Analyzing the information read from the portable device (column 6, lines 49-55).

Although the system disclosed by Suer et al. (USPN 6,431,439) shows substantial features of the claimed invention, it fails to disclose that the information is recent purchase information and means for supplying specific information tailored to the customer based upon the analyzed recent purchase information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Suer et al. (USPN 6,431,439), as evidenced by Kanevsky et al. (USPN 6,334,109).

In an analogous art, Kanevsky et al. (USPN 6,334,109) discloses a system for providing information to customers in which the information is recent purchase information and means for supplying specific information tailored to the customer based upon the analyzed recent purchase information (column 5, lines 40-47, 50-53).



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Given the teaching of Kanevsky et al. (USPN 6,334,109), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Suer et al. (USPN 6,431,439) by providing personalized information to a user based on recent purchase information. This benefits the system by allowing users to receive information that is of use to them and by allowing advertisers to more specifically target consumers.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chadda (USPN 6,345,293) teaches a system for providing personalized information based on a user's personal information.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543.


The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton  
Examiner  
Art Unit 2153

ksp

  
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